

# EXHIBIT A

	Original - Court 1st Copy - Defendant	2nd Copy - Plaintiff 3rd Copy - Return
<b>STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY</b>	<b>SUMMONS</b>	<b>CASE NO. 24-005360-NI Hon. Adel A. Harb</b>

Court telephone no.: 313-224-2474

Plaintiff's name(s), address(es), and telephone no(s) Peters, Julie Elizabeth
Plaintiff's attorney, bar no., address, and telephone no Vincenzo Richard Sarti 85355 110 S Main St Mount Clemens, MI 48043-2380

v

Defendant's name(s), address(es), and telephone no(s). Apel, Colby
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Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.108(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS****NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 4/11/2024	Expiration date* 7/11/2024	Court clerk Twyonna Adams
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Cathy M. Garrett- Wayne County Clerk.

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (3/23)

**SUMMONS**

MCR 1.108(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



Original - Court  
1st Copy- Defendant2nd Copy - Plaintiff  
3rd Copy -Return

<b>STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY</b>	<b>SUMMONS</b>	<b>CASE NO. 24-005360-NI Hon. Adel A. Harb</b>
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Court telephone no.: 313-224-2474

<b>Plaintiff's name(s), address(es), and telephone no(s)</b> Peters, Julie Elizabeth	v	<b>Defendant's name(s), address(es), and telephone no(s).</b> Rokstad Power Inc.
<b>Plaintiff's attorney, bar no., address, and telephone no</b> Vincenzo Richard Sarti 85355 110 S Main St Mount Clemens, MI 48043-2380		

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

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- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
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SUMMONS

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MC 01 (3/23)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JULIE ELIZABETH PETERS,

Plaintiff,

Case No. 24-

-NI

v

COLBY APEL,  
ROKSTAD POWER INC., a foreign profit corporation  
doing business in the State of Michigan, and  
PIONEER STATE MUTUAL INSURANCE COMPANY,  
a domestic insurance company doing business in Michigan,

Defendants.

\_\_\_\_\_  
FEMMININEO ATTORNEY, P.L.L.C.  
DAVID C. FEMMININEO (P56471)  
VINCENZO R. SARTI (P85355)  
Attorneys for Plaintiff  
110 South Main Street  
Mt. Clemens, MI 48043  
(586) 954-9500 (586) 954-9900 fax  
[vincenzo@getdavidgetpaid.com](mailto:vincenzo@getdavidgetpaid.com) - Handling Attorney  
[gina@getdavidgetpaid.com](mailto:gina@getdavidgetpaid.com) - Assistant  
\_\_\_\_\_

*There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court*

*/s/ David C. Femminineo*  
DAVID C. FEMMININEO (P56471)

COMPLAINT

NOW COMES the above-named Plaintiff herein, JULIE ELIZABETH PETERS, by and through Plaintiff's attorneys, FEMMININEO ATTORNEYS, P.L.L.C., and in support of Plaintiff's action against Defendants COLBY APEL, ROKSTAD POWER INC., and PIONEER STATE MUTUAL INSURANCE

COMPANY, their agents, servants, and/or employees, either real or ostensible, respectfully represents unto this Honorable Court as follows:

COUNT I

1. Plaintiff JULIE ELIZABETH PETERS is a resident of the City of Saint Clair Shores, County of Macomb, State of Michigan.
2. Defendant COLBY APEL, upon information and belief, is a resident of the City of Sylvania, County of Lucas, State of Ohio and at all pertinent times hereto, was the operator of a White 2015 Ford F-750 with vehicle identification number 3FRXF7FK8FV640006 and Indiana license plate number 3157188.
3. Defendant ROKSTAD POWER INC., upon information and belief, is a foreign profit corporation doing business in the County of Wayne, State of Michigan, and at all pertinent times hereto was the owner of a White 2015 Ford F-750 with vehicle identification number 3FRXF7FK8FV640006 and Indiana license plate number 3157188.
4. As owner, Defendant ROKSTAD POWER INC. is vicariously liable for the negligent acts of Defendant COLBY APEL, as Defendant COLBY APEL was driving the vehicle with permission during the course and scope of employment with ROKSTAD POWER INC.
5. Defendant PIONEER STATE MUTUAL INSURANCE COMPANY is a domestic company doing business in the County of Wayne, State of Michigan.
6. Defendant PIONEER STATE MUTUAL INSURANCE COMPANY is in the business of selling automobile insurance.

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7. On or about April 14, 2023, both Plaintiff and Defendant were at or near the intersection of Woodward Avenue and W Palmer Street, in the City of Detroit, where Defendant COLBY APEL violently struck Plaintiff JULIE ELIZABETH PETERS's vehicle, causing Plaintiff to suffer severe, serious, and disabling injuries.
8. On or about April 14, 2023, the following appears to have occurred:
  - a. Plaintiff JULIE ELIZABETH PETERS was traveling southbound on Woodward Avenue and was stopped at a red light in the far right lane on the intersection of W Palmer Street in the City of Detroit;
  - b. Defendant COLBY APEL, driver of Defendant ROKSTAD POWER INC.'s vehicle, was traveling southbound on Woodward Avenue in the lane next to Plaintiff and attempted to make a right turn on W Palmer Street, and did violently strike Plaintiff's vehicle;
  - c. As a direct proximate result of the collision, Plaintiff suffered severe and disabling injuries.

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## COUNT II

9. Plaintiff JULIE ELIZABETH PETERS hereby reincorporates each and every allegation contained in the previous count as if fully set forth herein, word for word, paragraph for paragraph.
10. Defendant COLBY APEL, driver of Defendant ROKSTAD POWER INC.'s vehicle, was under a duty to obey the Statutes of the State of Michigan applicable to the operation of motor vehicles, but notwithstanding said duties was negligent and did violate Defendant's duties to include but not be limited to the following particulars:
  - a. In driving a motor vehicle in a careless, reckless and wanton manner in total disregard of the rights and safety of others lawfully upon the highway in violation of M.S.A. 9.2326 and appropriate amendments thereto;

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- b. In failing to maintain a proper lookout and in otherwise negligently operating a motor vehicle upon the highway so as to cause a collision, injury and harm to Plaintiff in violation of M.S.A. 9.2101, 9.2343 and M.S.A. 9.2327 and appropriate amendments thereto;
  - c. In driving a motor vehicle at a rate of speed greater than would permit it to be stopped within the assured clear distance ahead or behind;
  - d. In failing to make proper observations of the conditions of the roadway and any other conditions then and there existing;
  - e. In failing to properly stop for and observe other vehicles in violation of the Statutes of the State of Michigan;
  - f. In driving an automobile in a grossly negligent manner;
  - g. In Defendant failing to make a move in safety in violation of the Statutes of the State of Michigan and the Ordinances of the City of Detroit, as well as the common law;
  - h. In driving a motor vehicle in a reckless and erratic manner in total disregard of the rights and safety of others which conduct and state of mind under the facts and circumstances amounted to gross negligent and in violation of M.S.A. 9.2326;
  - i. Defendant operated the vehicle at an excessive rate of speed considering the road conditions which then and there existed; and,
  - j. Improper turn.
11. As a direct and proximate result of the negligence of Defendant COLBY APEL, driver of Defendant ROKSTAD POWER INC.'s vehicle, in the use and operation of the motor vehicle and in causing the accident at issue, Plaintiff sustained objectively manifest injuries which constitute a serious impairment of an important body function including permanent serious disfigurement and will permanently continue to cause Plaintiff pain, suffering, disability, and mental anguish.

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12. As a result of the injuries inflicted upon Plaintiff, Plaintiff has been compelled to expend large sums of money for medical care and treatment and in the future will be compelled to expend large sums of money for medical care and treatment in order to have Plaintiff cured of permanent and progressing injuries.
13. As a result of the negligence of Defendant COLBY APEL, Plaintiff has suffered severe and disabling injuries, resulting in inability to engage in those activities which an individual of Plaintiff's age is accustomed to engage in and Plaintiff is hereby claiming damages for said deprivation and loss of enjoyment of life.
14. As a result of the visible nature of some, but not all of Plaintiff's injuries, Plaintiff has suffered and will in the future continue to suffer extreme humiliation and embarrassment including permanent serious disfigurement.
15. As a direct and proximate result of the negligence of Defendant COLBY APEL and the resultant objectively manifested injuries sustained by Plaintiff, Plaintiff's general ability to lead a normal life has been affected and claim is hereby made for said deprivation and loss.
16. As a direct and proximate result of the injuries sustained by the Plaintiff in this collision, Plaintiff may incur wage loss, medical expense, and household replacement services beyond the period covered by the No-Fault statute, for which Defendant(s) is obligated to pay in compensation and claim is made against Defendant(s) for same.
17. As a result of the injuries sustained, Plaintiff JULIE ELIZABETH PETERS has suffered and will continue to suffer the following:



- a. Pain and suffering, past, present, and future;
- b. Diminution in the quality of life;
- c. Mental Anguish;
- d. Embarrassment, shock, and mortification;
- e. Loss of normal social and recreational activities;
- f. Inability or difficulty participating in all of the activities that they formerly enjoyed, including recreational activities, companionship of family, leisure activities, hobbies, friendships, sleeping and all other aspects of life have been significantly impaired as a result of the injuries sustained in the collision;
- g. Permanent injury and incapacity or disability;
- h. Aggravation of pre-existing conditions whether known or unknown; and,
- i. Permanent serious disfigurement.

18. The amount in controversy herein exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars and that declaratory and/or equitable relief is sought.

### COUNT III

19. Plaintiff JULIE ELIZABETH PETERS hereby reincorporates each and every allegation contained in the previous count as if fully set forth herein, word for word, paragraph for paragraph.
20. On the aforementioned date and time of loss, Defendant ROKSTAD POWER INC. was the owner of a White 2015 Ford F-750 with vehicle identification number 3FRXF7FK8FV640006 and Indiana license plate number 3157188.
21. On the date and time of this incident, the vehicle was being operated by Defendant COLBY APEL, in the course and scope of his employment with Defendant ROKSTAD POWER INC.'s consent, knowledge, and permission.

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**LAW**

22. Defendant ROKSTAD POWER INC. is vicariously liable for the negligent acts of Defendant, COLBY APEL, as a result of negligent operation of the motor vehicle on April 14, 2023 which is the subject of this lawsuit.
23. Defendant ROKSTAD POWER INC. is vicariously liable for the negligent acts of Defendant, COLBY APEL, who was acting in the course and scope of the employment with ROKSTAD POWER INC. and is liable for COLBY APEL, and the negligent acts on the theory of respondent superior and vicarious liability.
24. The amount in controversy herein exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars and that declaratory and/or equitable relief is sought.

COUNT IV

25. Plaintiff JULIE ELIZABETH PETERS hereby reincorporates each and every allegation contained in the previous count as if fully set forth herein, word for word, paragraph for paragraph.
26. Plaintiff had a valid contract of insurance with Defendant PIONEER STATE MUTUAL INSURANCE COMPANY at the time of injuries giving rise to this litigation which occurred on April 14, 2023 that was then in effect in accordance with the provisions of the No-Fault Insurance Act (No-Fault Act), MCL 500.3101 et seq., and for which applicable premiums were paid.
27. Under the terms and conditions of the automobile insurance policy, Defendant became obligated to pay to or on behalf of Plaintiff, certain expenses or losses if Plaintiff sustained bodily injury or death in an accident arising out of ownership, operation, maintenance, or use of a motor vehicle.

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28. On or about the 14<sup>th</sup> day of April, 2023, Plaintiff was the operator of an automobile that was involved in a collision in which Plaintiff received serious accidental bodily injuries, within the meaning of Defendant's policy and the statutory provision MCL 500.3105.
29. As a result of said casualty complained of herein, Plaintiff became entitled to certain personal injury protection insurance benefits for accidental bodily injury pursuant to MCLA 500.3101 from Defendant herein.
30. As a direct and proximate result of the casualty complained of herein, Plaintiff has suffered and will continue to suffer the following damages in the past, present, and the future:
  - a. allowable expenses consisting of all reasonable charges incurred for reasonable and necessary products, services, and accommodations for an injured person's care, recovery, or rehabilitation;
  - b. loss of wages as provided by MCL 500.3107(1)(b);
  - c. reasonable and necessary replacement services;
  - d. other personal protection benefits in accordance with the applicable no-fault provisions;
  - e. medical expenses;
  - f. attendant care; and
  - g. medical mileage.
31. Defendant has refused or is expected to refuse to pay Plaintiff all the personal protection insurance benefits in accordance with the applicable no-fault and contract provisions.
32. Reasonable proof for full-payment of all personal protection insurance benefits has been or will be supplied, but Defendant has refused to pay or is expected to refuse to pay in the future.

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33. Defendant PIONEER STATE MUTUAL INSURANCE COMPANY, in violation of the statute and case law, refused to properly pay the claims as required by law.
34. Reasonable proof of loss has been submitted to Defendant and Plaintiff JULIE ELIZABETH PETERS has repeatedly demanded payment for and/or entitlement to these benefits.
35. Despite these demands, Plaintiff JULIE ELIZABETH PETERS has not received payment for the services provided to Plaintiff as a result of the accident.
36. Withholding and/or delaying payment constitutes a breach of Defendant's statutory and contractual obligations to provide benefits for Plaintiff JULIE ELIZABETH PETERS.
37. Defendant's refusal or delay in making payments is unreasonable and subjects Defendant to statutory penalty interest, penalty attorney fees, and costs.
38. Defendant has unreasonably refused to pay or has unreasonably delayed in making proper payments to Plaintiff contrary to MCL 500.3142 and MCL 500.3148 and continues to do so.
39. Defendant PIONEER STATE MUTUAL INSURANCE COMPANY owes Plaintiff interest on each claim at 12% after 30 days from the delivery of the reasonable proof of loss.
40. An actual controversy exists between Plaintiff and Defendant.
41. The amount in controversy herein exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars and that declaratory and/or equitable relief is sought.

COUNT V

42. Plaintiff JULIE ELIZABETH PETERS hereby reincorporates each and every allegation contained in the previous count as if fully set forth herein, word for word, paragraph for paragraph.
43. Part of the coverage that Plaintiff purchased from Defendant PIONEER STATE MUTUAL INSURANCE COMPANY was a policy of under/uninsured motorist coverage.
44. This coverage becomes available when the at-fault driver is under/uninsured.
45. Upon information and belief, Defendants were under/uninsured on the date of the automobile accident.
46. Therefore, pursuant to the policy, Plaintiff is entitled to seek additional compensation up to the policy limits of the under/uninsured motorist purchased from Defendant PIONEER STATE MUTUAL INSURANCE COMPANY.
47. Demand for payment has been made to Defendant PIONEER STATE MUTUAL INSURANCE COMPANY and this request has been denied.
48. Defendant PIONEER STATE MUTUAL INSURANCE COMPANY unreasonably refused or neglects to pay pursuant to the under/uninsured motorist coverage purchased by Plaintiff and Plaintiff complains against Defendant PIONEER STATE MUTUAL INSURANCE COMPANY on this basis.
49. The amount in controversy herein exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars and that declaratory and/or equitable relief is sought.

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COUNT VI

50. Plaintiff JULIE ELIZABETH PETERS hereby reincorporates each and every allegation contained in the previous count as if fully set forth herein, word for word, paragraph for paragraph.
51. That Plaintiff, JULIE ELIZABETH PETERS, is claiming damages for any and all other items of loss and damage Plaintiff may be entitled to receive under the law as a result of Defendant, PIONEER STATE MUTUAL INSURANCE COMPANY's, breach of payment of PIP/uninsured/underinsured motorist benefits pursuant to the policy issued.
52. That Plaintiff, JULIE ELIZABETH PETERS, is entitled to costs and interest pursuant to MCL 500.2006(1) and MCL 500.2006(4) as a result of Defendant, PIONEER STATE MUTUAL INSURANCE COMPANY's breach of the Uniform Trade Practice Act.

WHEREFORE, Plaintiff herein, JULIE ELIZABETH PETERS, prays for judgment against Defendants COLBY APEL, ROKSTAD POWER INC., and PIONEER STATE MUTUAL INSURANCE COMPANY, in whatever amount the jury or Court determines to be fair, just, and adequate compensation for the injuries and damages sustained by Plaintiff together with interest, costs, and attorney fees.

Respectfully Submitted,  
FEMMININEO ATTORNEYS, P.L.L.C.

By: /s/ David C. Femminineo  
DAVID C. FEMMININEO (P56471)  
Attorney for Plaintiff  
110 South Main Street  
Mt. Clemens, MI 48043  
(586) 954-9500

Dated: April 11, 2024

**Femminineo**

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STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JULIE ELIZABETH PETERS,

Plaintiff,

Case No. 24-

-NI

v

COLBY APEL,  
ROKSTAD POWER INC., a foreign profit corporation  
doing business in the State of Michigan, and  
PIONEER STATE MUTUAL INSURANCE COMPANY,  
a domestic insurance company doing business in Michigan,

Defendants.

\_\_\_\_\_  
FEMMININEO ATTORNEY, P.L.L.C.  
DAVID C. FEMMININEO (P56471)  
VINCENZO R. SARTI (P85355)  
Attorneys for Plaintiff  
110 South Main Street  
Mt. Clemens, MI 48043  
(586) 954-9500 (586) 954-9900 fax  
[vincenzo@getdavidgetpaid.com](mailto:vincenzo@getdavidgetpaid.com) - Handling Attorney  
[gina@getdavidgetpaid.com](mailto:gina@getdavidgetpaid.com) - Assistant  
\_\_\_\_\_

**Femminineo**

110 S Main street  
Mt. Clemens, MI 48043  
586-954-9500

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff JULIE ELIZABETH PETERS, by and through  
Plaintiff's attorneys, FEMMININEO ATTORNEYS, P.L.L.C., and hereby demands  
a trial by jury of the within cause.

Respectfully Submitted,  
FEMMININEO ATTORNEYS, P.L.L.C.

By: /s/ David C. Femminineo  
DAVID C. FEMMININEO (P56471)  
Attorney for Plaintiff  
110 South Main Street  
Mt. Clemens, MI 48043  
(586) 954-9500

DATE: April 11, 2024